

**ELECTRICAL ADVISORY COMMITTEE MEETING
DECEMBER 16, 2003 MINUTES**

**Department of Housing, Buildings & Construction
Electrical Section
101 Sea Hero Rd Suite 100
Frankfort KY 40601-5405**

MEMBERS IN ATTENDANCE

Archer, James	Holthouser, Norman G.	Malone, Mary	Osborne, Gary
Pace, Chris	Shelton, Don	Shouse, Jerry	Strange, Jim

MEMBERS IN ABSENT

Howard, Jan	Leake, Michael	Moore, Jonathan
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DEPARTMENT OF HOUSING STAFF IN ATTENDANCE

Bennett, Mike; Department of Housing Legal Counsel
Dempsey, Frank; Department of Housing Legal Counsel
Henderson, Nelson; Division of HVAC Director
Langford, Dennis; Department of Housing Commissioner
Perkins, Billy; Chief Electrical Inspector
McMichael, Shawwna; Administrative Secretary, Hazardous Materials

VISITORS IN ATTENDANCE

Bauer, Roger; Business Manager for Pipefitters Local Union 502
Bays, Jeff; Electrician
Bess, Kenny; Peterson Electric (*Electrical Clearing House of Louisville – ECHL*)
Bitzer, Craig; Shelby County Electrical Inspector (2334-C)
Brancher, Ken; Jungbert Corporation
Chester, Bruce; Chester Mechanical (*HVAC Board Member*)
Corrigan, Tom; Independent Electrical Contractors Association Inc. (*IEC*)
Crooles, Ed; Electrician
Denlin, Ray; York International
Eubank, Tom; Independent Electrical Contractors Association Inc. (*IEC*)
Faulkner, Brad; Schardein Mechanical
Fisher, Robert L.; Fisher's Heating & Cooling (*HVAC Board Member*)
Hammonds, Marvin; Mechanical Contractors Association (*MCA*) of KY (*Boiler Board Member*)
Hancock, Hank; Kentucky Association of Plumbing Heating Cooling Contractors (*KAPHCC*)
Hornback, Steve; Hornback Mechanical
Hudson, Matt; Walker Mechanical
Keeling, Gary; HMC Service Company
Ogden, Adam; Finney Company
Pierce, F. David; KY Assoc. of Plumbing Heating Cooling Contractors (*KAPHCC*) (*HVAC Board Member*)
Pontrich, Jim; Mechanical Services
Scarborough, Darrel; Scarborough Mechanical Service (*HVAC Board Member*)
Schardein, Gary; F.S. Schardein Mechanical

Seider, Debbie; Academic Consultant for the Department of Technical Education
Silliman, Steve; International Brotherhood of Electrical Workers (*IBEW*) Local Union 369
Vann, Thad; Director of Kentucky Manufactured Housing Institute (*KMHI*)
Willinghurst, Steve; *LEJATC*
Young, Terry; Ohio Valley Mechanical

Meeting Called to Order

Don Shelton made a motion to call the meeting to order at 9:08 a.m. Jim Strange seconded the motion. All in favor. Motion carried.

Chairman Archer asked if there was any corrections need to the December 2, 2003 Committee meeting minutes. Chris Pace made a motion to approve the minutes with no corrections needed. Mike Shouse seconded the motion. All in favor. Motion carried.

New Business- Commissioner Langford

Commissioner Langford stated that he planned on introducing the new liaison for electrical licensing, Robin McQuery. However, due to the hiring freeze Ms. McQuery was reverted back to her previous position in the Labor Cabinet. The Personnel Cabinet did not get Ms. McQuery's hiring paperwork completed before Governor Ernie Fletcher initiated the hiring freeze. The Department will have to re-post and interview the position, which is currently being work on. Commissioner Langford stated that he has asked Deputy Commissioner, Ken Meredith to fill-in Ms. McQuery's position until the position was re-filled.

The Department currently has over 15,000 electrical license issued with 68% of the applications being filed online. The Department plans to expand the licensing online to the remainder sections in the Department.

New Business- Legal Counsels

Legal Counsel Dempsey stated that he emailed the Advisory Members the advisory bulletin. However, there have been some changes to the bulletin since the email copy was sent. There are changes in the second paragraph on page 2. The revised bulletin, which is dated December 16, 2003, has an amendment in regards to a retail exemption, which is broad. The bulletin in the packets for the Advisory Members dated December 15, 2003 is the first draft, which should be destroyed. Ms. Malone stated that the end of the second paragraph needs to be amended to say "can not connect a service panel to utility meter or disconnect."

Thad Vann of KMHI inquired if the visitors could obtain a copy of the bulletin to see what the Advisory Members are discussing and reviewing. Legal Counsel Dempsey stated that he has some extra copies available for anyone. Chairman Archer stated that if anyone would like to speak to raise there hand and the Advisory Members would recognize them to speak. Chairman Archer stated that everyone needs to state their name and organization before they speak so that the record may reflect who is speaking. Commissioner Langford stated the Department and Committee encourages everyone to participate in the meetings. However, Advisory Members will be the only individuals allowed to vote on motions. Mr. Pace stated that the second paragraph on the second page involved HVAC. Mr. Pace stated that he believes the Committee only discussed the topic in the paragraph and did not come to a final conclusion. Legal Counsel

Dempsey agreed with Mr. Pace. Mr. Pace stated that the Committee will table that paragraph until further discussion.

Chairman Archer stated that he was under the impression that an individual could not replace wire, which is covered in the second paragraph on page 1. Mr. Pace stated that an individual could replace the wire as long as the wire was not replaced to the panel. Mr. Osborne stated that “equivalent” should be added to internal wiring. Legal Counsel Dempsey stated that you could do that without an electrical license. Mr. Pace stated that the wording needs to be more specific. Mr. Pace suggested that “added to and replaced and modified” would cover internal wiring and add “feeders” to the branch circuit.

Kenny Bess of Peterson Electric inquired if an individual has a 3,000-amp service, can the individual replace the fuse. Mr. Pace answered yes. Mr. Perkins stated that the individual must be qualified to know what they are doing. Mr. Bess stated that when the individual opens the panel doors “it’s live”. Mr. Perkins stated that the individual must be qualified to know what they are doing because it is live.

Mr. Pace stated that the intent of the Advisory Bulletin was to place the bulletin on the Department’s website and send the bulletin in a mass mailing. Mr. Pace stated that no one was receiving information on the decisions that the Advisory Members are making. Legal Counsel Dempsey agreed with Mr. Pace.

Legal Counsel Dempsey stated that he came up with the bulletin as a suggestion. The bulletin is a start for discussion. Legal Counsel Dempsey stated that the Department had received a question regarding low voltage wiring. (*Question - “If there is a control service of 100 volts can the HVAC individuals do the service?”*) Legal Counsel Dempsey stated that HVAC temperature controls is not tele-communications. Mr. Strange stated that the National Electrical Code (NEC) has a code reference to install tele-communications. Mr. Strange further stated that HVAC has never been classified as tele-communications. Mr. Strange stated that there have been some concerns with tele-communications and there are contractors that specify in doing tele-communications, which is inspected by an Electrical Inspector. Legal Counsel Dempsey stated that the bulletin does not cover what has to be inspected.

Mr. Osborne asked Legal Counsel Dempsey for his interpretation of KRS 227A.030 Section 8. Legal Counsel Dempsey stated that the bulletin draft is his interpretation, which all turns on the definition of tele-communications. Legal Counsel Dempsey stated that he is the Legal Counsel for each Board within the Department and this interpretation may help resolve some problems. Legal Counsel Dempsey stated that if control wiring is tele-communications the company installing the wiring is a tele-communication company. Mr. Strange stated that he knows what Legal Counsel Dempsey is trying to say but that is stretching the definition of tele-communications. Mr. Strange stated that he has never seen AT&T upgrade a HVAC unit. Legal Counsel Dempsey stated that this also gives HVAC a hurdle. Mr. Strange believes this is a big stretch for tele-communications. Legal Counsel Dempsey disagreed. Mr. Pace inquired if this is a final decision can HVAC individuals still grandfather in. Legal Counsel Dempsey answered yes, however it puts a heavy burden on the HVAC Contractors. Mr. Strange stated that temperature control wiring is normally subcontracted to an Electrical Contractor. Mr. Strange

stated that he has temperature control wiring companies to install the wiring from Local Union 369. Tele-communication wiring is not temperature control wiring. Mr. Strange stated that the purpose of the law was to get tele-communication wiring for phones exempted.

Bruce Chester of Chester Mechanical in Western Kentucky stated that he has never seen control wiring done by an HVAC Contractor. Mr. Chester stated that he does not want HVAC people to do electrical work. Therefore, Mr. Chester subcontracts the control wiring to an Electrical Contractor. Mr. Chester stated that he does not believe the Electrical Advisory Committee wants 30,000 HVAC people getting an electrical license that is not qualified to do the work and only does temperature control wiring. Mr. Chester stated that he has to report back to Associated Builders & Contractors (ABC) with the Electrical Advisory Committee's decision on HVAC work.

Matt Henderson of Walker Mechanical in Louisville stated that he agreed with Mr. Chester. Robert Fischer of Fisher's Heating & Cooling in Clark County stated that he agrees with Mr. Chester and Mr. Henderson. Mr. Fischer stated that Mr. Chester and himself serve on the HVAC Board, which have discussed this topic thoroughly. Mr. Fischer believes that the Electrical and HVAC licensing law overlap each other. Mr. Fischer stated that he has talked with some HVAC Contractors, which do electrical and HVAC work and do not believe they should be required to get an electrical license to do 24 volt control wiring. A majority of people doing HVAC does control wiring. Mr. Fischer stated that it is unfair to the public if an HVAC Contractor to subcontract the HVAC control wiring to Electrical Contractor, which causes the contract price to be increased to the consumer. Mr. Fischer stated that the attorney on their Board has stated that the control wiring is HVAC work. Mr. Fischer stated that residential HVAC wiring needs to be discussed really hard. Mr. Fischer believes that new circuits should require an HVAC and Electrical license. Mr. Fischer stated that he would like the Committee to consider an exemption of 24 volts.

Steve Silliman, Business Manager of the International Brotherhood of Electrical Workers (IBEW) Local Union 369 stated that he has tried for 9 years prior to the implementation of the electrical law to get a bill passed for electrical licensing. Mr. Silliman inquired where the HVAC Contractors was when the bills was drafted and introduced to legislation. HVAC individuals never expressed a problem with the electrical licensing until the implementation of the law. Mr. Silliman stated that was not the Committees intent to exempt HVAC from doing the electrical work. Ms. Malone inquired if Mr. Silliman believes there is a problem with commercial or residential. Mr. Strange stated that the 6 feet from the disconnect exemption is for residential installations. Mr. Strange stated that he believes that there needs to be some type of interpretation on this subject. Ms. Malone believes that there is a difference between residential installation and commercial or industrial installation of HVAC equipment. The 6 foot to the disconnect only applies to residential sites. Commercial or industrial units are generally farther than 6 feet from the disconnect.

Gary Keeling stated if his company contracts a change out of an HVAC system and has to subcontract the control wiring, the overall contract amount will double to the consumer. The HVAC Contractor is responsible for the warranty and installation of the HVAC system. Therefore the control wiring needs to be completed by the HVAC Contractor. Mr. Perkins inquired if Mr.

Keeling upgrades heating units. Mr. Keeling answered yes. Mr. Perkins inquired if Mr. Keeling upgrades a heating unit and has to change out the serve if he calls an Electrician. Mr. Keeling answered that his company generally takes call of the service call. However, in commercial or industrial systems an Electrician is called to perform the service change. Mr. Shouse stated that if you replace a unit and do not upgrade the service or wiring it is considered maintenance, which is exempt from electrical licensure. However if you upgrade the service or wiring an electrical license is required. Mr. Keeling inquired if you replace the wiring from the control unit is that considered maintenance. Mr. Strange inquired if Mr. Keeling is pulling new wires. Mr. Keeling answered yes, if the wire is burned it has to be replaced.

Unidentified Visitor of a boiler and chiller company inquired if a boiler/chiller had a mechanical failure and freezes a million dollar company can he upgrade the wiring for the boiler/chiller. *Unidentified Visitor* stated that his company has done the upgrade of the electrical wiring for years prior to the electrical licensing law. However, if there is a new service to be installed an Electrician is contacted to perform the electrical work. Mr. Pace inquired if the *unidentified visitor* changes the wiring. *Unidentified Visitor* answered sometimes on boilers. Mr. Perkins stated that replacement on boilers was considered to be maintenance when he worked in the trade. *Unidentified Visitor* stated that when the work is not maintenance an Electrician is contacted to do the work. When there is a 1,000-pound or more boiler, the boiler contractor does not want to be responsible for someone else to pull the wires. *Unidentified Visitor* stated that it will take three times as long to contact an Electrician to pull the wires when the boiler contractor knows what they are doing. Mr. Strange stated that he understands but this is a hard issue. Mr. Pace stated that there is no easy issue. Chairman Archer stated that without this exemption everything would be considered electrical work, which will require a license. Legal Counsel Dempsey agreed with Chairman Archer but the boiler work can not be placed under the exemption.

Mr. Strange inquired if the Committee could suggest an exemption. Legal Counsel Dempsey inquired if the Committee was suggesting an exemption for legislature. Commissioner Langford suggested that a Sub-Committee meet with boilers, plumbing and HVAC. Commissioner Langford further suggested that the Sub-Committee also review the draft for exemptions from Louisville. Chairman Archer inquired if the HVAC law has language that covers control wiring. Director for the Division of HVAC, Nelson Henderson, stated that the law covers the aspects as discussed. However, the language is not clear but terms are present in the law. Chairman Archer inquired if the Committee could go by the language in the HVAC law. Legal Counsel Dempsey stated as long as there is not an exception in the wording of the electrical license law. Gary Keeling inquired if the laws states that there is an exemption on 50 volts, a 24 volt installation would be exempted. Legal Counsel Dempsey stated that only if it is considered telecommunications. Mr. Osborne stated that HVAC contractors have never had anyone attend the meetings to discuss the issues of HVAC. Mr. Henderson inquired what law has statutory authority Electrical (KRS 227A.030) or HVAC (KRS 198B.650).

Mr. Strange stated that he believes a Sub-Committee is needed to meet with other industries that may have an impact on their industry by the electrical licensing law. Chairman Archer stated that the way the electrical bill is wrote a Contractor who does 24 volts or more will be required to have an electrical license. Commissioner Langford stated that is the reason why a Sub-

Committee with representatives of industries involved attends the meeting. Commissioner Langford stated if there is a statute problem all industries should agree and the changes should be filed with LRC for legislation change. Commissioner Langford stated that the Division of HVAC and the Electrical Section have their own position and will never agree until there is a meeting with everyone. Commissioner Langford believes that it is a stretch on telecommunications but it all the Department has to work with. South Central Bell brought telecommunications before the bill was introduced into legislation. Commissioner Langford stated that he would have the Department's Legal Counsels to meet with the organizations to get "this hammered out". The Department needs to see what works for each organization. Mr. Osborne stated that the Electrical Advisory Committee has already done an HVAC exemption already. Commissioner Langford stated that the Advisory Bulletin needs to be released to the public. Chairman Archer stated that the way the bill is written the Committee needs to see how they can assist other industries. Legal Counsel Dempsey stated that the Department needs to see if an exemption can be written. Ms. Malone stated that there are grounds that have already been agreed on. However, we need to look at specifications to come to an agreement on common grounds. Bruce Chester stated that the HVAC industry is running out of time to apply for a grandfathered electrical license. Mr. Pace agreed with Mr. Chester and suggested that a Sub-Committee meeting be scheduled today. Robert Fischer stated that every industry involved in electrical needs to be included and not just the HVAC industry. Mr. Pace agreed. Mr. Perkins inquired if the HVAC law requires compliance with the National Electrical Code (*NEC*). Mr. Fischer answered yes; also the installation must also comply with the mechanical code. Mr. Chester stated that he appreciated the Electrical Advisory Committees help but wants to know who will be appointed to serve on the Sub-Committee. Commissioner Langford stated he will ask the Plumbing Board who needs to attend the meeting. Mr. Vann stated that since his organization, *KMHI*, has issues with all the items discussed Mr. Vann requests that his organization be placed on the Sub-Committee panel. Mr. Strange stated that the items discussed have nothing to do with manufactured or modular homes. Mr. Pace stated that the Sub-Committee does not need to be too large. The Sub-Committee will be open to the public and individuals in attendance of the meeting are encouraged to participate in the meeting.

Ed Crooks stated that there are a couple of other issues that need to be addressed. Mr. Crooks stated that there are people who are changing natural gas hot water heaters to electrical hot water heaters. Mr. Strange stated that the Advisory Bulletin covers the hot water heater replacement from natural gas to electric. Mr. Crooks inquired if an individual would be required to pull an electrical and plumbing permit. Mr. Osborne answered yes, pulling an electrical and plumbing permit have been done for years. Mr. Osborne stated that pulling an electrical and plumbing permit also needs to be addressed in the Sub-Committee.

Chairman Archer suggested that 2 individuals from the boiler, HVAC, electric and plumbing industry should be on the Sub-Committee. *Unidentified Visitor* inquired if anyone from the fire suppression industry has approached the Committee. Mr. Perkins stated that John Hudson of the Fire Protection Section has mentioned concerns to him but not to the Committee.

Mr. Vann stated that all trades would be participating in the Sub-Committee but two industries – Associated Builders & Contractors (*ABC*) and Kentucky Manufactured Housing Institute (*KMHI*). Mr. Vann highly advised the Committee to have a representative from *ABC* and *KMHI*

on the Sub-Committee. Legal Counsel Dempsey stated that he does not believe that *KMHI* should be on the Sub-Committee. However, the 2 organizations are welcome to attend the meeting and participate in the discussion. Mr. Vann believes that it is important for the 2 industries to understand more. Since the 2 organizations are not on the Sub-Committee, Mr. Vann requests that the 2 organizations be advised of the meeting. Mr. Pace stated the Sub-Committee meeting is an open meeting. Mr. Vann requested official notification of the meeting in writing with ample time to attend the meeting. Commissioner Langford stated that *KMHI* and *ABC* will both be notified in writing.

Mr. Chester inquired if there could be an exemption on HVAC installations on residential sites. Legal Counsel Dempsey answered no, but it our intention to have an exemption on residential. However, the exemption will have to be addressed to LRC. Hank Hancock stated that the intent to have an exemption on residential can be placed in *KAPHCC*'s magazine, which will help "put some of the fires out". Legal Counsel Dempsey agreed and stated that it could be stated "it is the intent of the Committee to do a general exemption on low voltage". Mr. Strange stated that the paragraph on HVAC on page 2 is to be deleted. Mr. Pace inquired if the 2nd paragraph on page 1 should not read "As a rule, maintenance will include replacement of parts or wiring with identical or comparable parts or wiring." Legal Counsel Dempsey agreed to make the necessary change to the statement and delete the HVAC paragraph on page 2.

Mr. Pace made a motion to approve the Advisory Bulletin dated December 16, 2003 with the amendments to the second paragraph on page 1 and the deletion of 6th paragraph on page 2 (regarding low voltage HVAC telecommunications). Mr. Osborne seconded the motion. All in favor. Motion carried.

Mr. Strange made a motion to set up a Sub-Committee meeting to include the boiler, HVAC, electrical, plumbing and fire suppression industry. Mr. Shouse seconded the motion. All in favor. Motion carried.

Mr. Pace made a motion to take a break to determine when the conference room may be available for the Sub-Committee meeting. Ms. Malone seconded the motion. All in favor. Motion carried. Meeting was adjourned for break at 10:33 am.

Mr. Shelton made a motion to reconvene the meeting. Mr. Strange seconded the motion. All in favor. Meeting reconvened at 10:44 am.

Chairman Archer stated that the Sub-Committee is scheduled for Wednesday, January 7, 2004 at 9 am. in the Department's conference room. The regular Electrical Advisory Committee meeting will be Tuesday, January 20, 2004 at 9 am. Chairman Archer announced the nominated Sub-Committee members.

Appointment of Sub-Committee Members

1. Rodney Handy – Boiler Section
2. Tom Rechtin – Board of Housing Member
3. Mike Ison
4. Darrell Scarborough - Scarborough Mechanical Service (*HVAC Board Member*)
5. Robert Fisher - Fisher's Heating & Cooling (*HVAC Board Member*)
6. Ed Crooks
7. Steve Milby
8. Gary Keeling - Mechanical Contractors Association (*MCA*) of *KY*
9. Marvin Hammonds - Mechanical Contractors Association (*MCA*) of *KY* (*Boiler Board Member*)
10. Ralph Hammer – Metro Louisville Electrical Inspector (2263-C)
11. Tom Underwood – Fire Protection Systems
12. Steve Silliman - International Brotherhood of Electrical Workers (IBEW) Local Union 369
13. Bruce Chester - Chester Mechanical (*HVAC Board Member*)
14. Tom Eubank - Independent Electrical Contractors Association Inc. (IEC)
15. Gary Osborne – (*Electrical Advisory Committee Member*)
16. Chris Pace - (*Electrical Advisory Committee Member*)

Chairman Archer stated that the Electrical Advisory Committee would be meeting the first and third Tuesday of the month for the next 6 months unless the meeting is not needed. Commissioner Langford suggested that Senator Tapp be included in the meeting. Mr. Pace stated that he spoke with Senator Tapp and was not available to attend today meeting but would be coming to a future meeting. Mr. Osborne suggested that Senator Tapp attend the January 20, 2004 meeting. Legal Counsel Dempsey stated that he would notify Senator Tapp of the January 20, 2004 meeting.

Mr. Pace stated that the Committee never did working on the intent of control wiring. Legal Counsel Dempsey stated that it is the intent of the Committee to allow HVAC Contractors to install the control wiring under 24 volts and under. Mr. Pace made a motion to “to allow HVAC Contractors to install the control wiring under 24 volts and under in one and two family dwellings”. Mr. Strange seconded the motion. All in favor. Motion carried.

Mr. Pace inquired how the control wiring for HVAC will get to the *HBA* because the control wiring in one and two family dwellings are not included in the Advisory Bulletin. Commissioner Langford stated that when the Department invites Bob Weiss of *HBA* to the January 7, 2004 meeting the information would be released to him. Mr. Vann requested that the Committee mail the exact wording to be mailed to the organizations to ensure the correct information is released to the public. Legal Counsel Dempsey stated that the Department will send notification to the organizations. Ms. Malone inquired if the intent could be included in the Advisory Bulletin. Legal Counsel Dempsey stated that the Advisory Bulletin is final positions and this exemption is an intent. Therefore, the intent will not included in the Advisory Bulletin.

Legal Counsel Bennett - Memorandum

Legal Counsel Bennett stated that the memorandum dated December 16, 2003 is in response to the questions from *ACCA* and *KMHI*. Legal Counsel Bennett requested the Committee to review the memorandum to ensure it meets the Committee's approval. Legal Counsel Dempsey stated that item number 8 would need to be changed. Legal Counsel Bennett stated that item number 8 was drafted prior to today's discussion. Chairman Archer stated that item number 3 needs to be changed to "An existing, damaged disconnect box may be replaced with an identical or comparable new one without an electrical license."

Chairman Archer asked Ms. Malone if item number 4 related to a disconnect. Mr. Bess stated that the last sentence in item number 3 might cause some problems. Ms. Malone stated that item number 3 was relating to an HVAC disconnect. Legal Counsel Bennett stated that Mr. Vann's questions related to HVAC. Chairman Archer requested that Legal Counsel Bennett place the questions on the memorandum to ensure the letter is clear. Legal Counsel Bennett agreed to place the questions on the memorandum or have a reference to their letters dated November 13, 2003. Mr. Perkins stated that people in the public wouldn't have the letters. Therefore, having the questions on the memorandum would be better. Legal Counsel Bennett stated that he did not have time to include the questions on the memorandum but don't have a problem including the questions on the memorandum.

Legal Counsel Dempsey stated that the Department can say the Electrical Advisory Committee's position is that under 24 volts in a 1 and 2 family dwelling does not require an electrical license. Legal Counsel Dempsey stated that item number 7 needs to be changed to "However, replacement of parts or wiring with identical or comparable parts or wiring would be considered routine maintenance." Mr. Strange stated that item number 8 should not be included in the letter to *KMHI* since the question was not addressed by *KMHI*. Mr. Strange made a motion to add item number 8 to the Advisory Bulletin. Mr. Pace seconded the motion. All in favor. Motion carried.

Chairman Archer inquired if the memorandum to *ACCA* and *KMHI* needs a motion to approve. Legal Counsel Dempsey answered yes. Mr. Strange made a motion to approve the memorandum dated December 16, 2003 to *ACCA* and *KMHI* with the amendments. Mr. Pace seconded the motion. All in favor. Motion carried.

Unidentified Visitor stated that he was unclear about item number 1. Legal Counsel Bennett stated that this topic was not presented in a question but he responded to this item as if it was a question. Legal Counsel Bennett stated that you can do a replacement with comparable pieces of equipment but can not put in a disconnect. Chairman Archer inquired if Legal Counsel Bennett could add "equipment that was there". Mr. Strange made a motion to add, "where one did not exist". Mr. Pace seconded the motion. All in favor. Motion carried.

Exterior Testing

Mr. Perkins stated that the Department has to send correspondence to Exterior on Kentucky testing. Mr. Perkins stated that he would like to get the Committee's approval to continue testing. Mr. Perkins stated that Exterior appeared before the Committee and obtained approval for Contractor, Master Electrician and Electrician testing. This statement does not cover the Contractor testing. In previous years Exterior would send in questions the Department could fill

out, with pre-approval from the Committee authorizing Mr. Perkins to submit. Mr. Perkins inquired if the Committee wanted the passing score to remain at 70%? Mr. Perkins also inquired if the Committee wants to continue testing with Experior.

Mr. Pace made a motion to continue using Experior as the approved testing agency but will re-evaluate testing in the future. Mr. Perkins stated that the Department would continue to use Experior and the passing score of 70% for Contractor, Master Electrician and Electrician testing. Mr. Holthouser seconded the motion. All in favor. Motion carried.

Mr. Perkins inquired if the Committee is authorizing him to notify Experior to continue Contractor testing at this time. Chairman Archer answered yes. Mr. Perkins stated that the Department is getting an increase of calls due local licenses expiring in Louisville, Lexington and Scott County.

Issuing of Stop Order

Chairman Archer stated that he would like to discuss some questions that some individuals in Metro Louisville have addressed him with. Chairman Archer inquired the Electrical Inspectors options on enforcement on unlicensed contractors. Mr. Perkins stated that the Committee has discussed this issue before and will turn it over to Legal Counsel Dempsey for clarification. Legal Counsel Dempsey stated that he was not too familiar with the *NEC* as he is with the Kentucky Building Codes. Permitting officials have the authority to issue a “stop order” on an electrical project. Mr. Pace stated that an Electrical Inspector could not issue a “stop order”. Legal Counsel Dempsey stated a state employed Electrical Inspector can. Mr. Bess inquired who could issue a “stop order”. Mr. Bess stated that Metro Louisville has issued “stop orders” for years. Legal Counsel Dempsey stated that independent Electrical Inspectors could not issue a “stop order” only the Building Code Inspector. Legal Counsel Dempsey stated that it is a violation of the building codes. However, a Building Code Inspector can not restrict permits being issued. If someone is doing poor work the Department can suspend an electrical license after a hearing.

Contractors – Chairman Archer

Legal Counsel Dempsey asked Mr. Perkins if he had investigated the list of electrical contractors that was submitted by Chairman Archer. Mr. Perkins answered yes, however the individuals have not applied for an electrical license as of today. Chairman Archer stated that he wanted the Department to be aware of the complaint of unqualified Contractors applying since the list was originally forwarded to him. Mr. Pace inquired if Chairman Archer wanted a more thorough check on the files once the documentation is submitted. Chairman Archer answered yes.

Metro Louisville

Mr. Strange stated that Troy Crawford, Metro Louisville Electrical Inspector, has requested contractors to submit a copy of their licenses to be placed on file with their office. Mr. Bess stated at Metro Louisville’s last Board meeting Mr. Crawford stated that if a copy of the Contractors license is not on file the Contractor will not be able to pull permits. Mr. Strange inquired why Metro Louisville can’t verify electrical licenses online like the state. Legal Counsel Dempsey stated that Metro Louisville could not restrict someone from applying for a permit if a copy of their license was not on file. Legal Counsel Dempsey stated that he does not

see a problem asking for a Contractors number before applying for a permit. Mr. Perkins stated that the Certificate of Compliance asks for the Master Electrician and Contractors number for the project being inspected. Commissioner Langford stated that local jurisdictions have been notified on how to verify a valid license. If someone needs to verify a license number they can call the office for verification or go online to www.hbc.ppr.gov. Commissioner Langford stated that Mr. Crawford should receive a call from our office on requesting a copy of Contractors licenses. Chairman Archer stated that he believes that Mr. Crawford is starting his own database to keep track of the licenses. Chairman Archer stated that Metro Louisville should be contacted by the Department to resolve this issue. Mr. Perkins stated that Scott County verifies their licenses online as requested.

Tom Corrigan inquired how it is handled in areas that did not require a license. Mr. Perkins stated that they are required to have an electrical license. Mr. Perkins stated that the Electrical Inspectors do not have to inspect the electrical project if they do not have a valid electrical license. Mr. Corrigan inquired if it is the Electrical Inspectors job to verify a valid electrical license. Legal Counsel Dempsey answered yes, before the Electrical Inspector issues a Certificate of Compliance on an electrical project. Mr. Strange inquired if there is not a permit required to be pulled is the electrical project required to be inspected. Legal Counsel Dempsey answered yes, everything is suppose to be inspected. However, there are counties that do not require electrical permits to be pulled. Chairman Archer inquired if a Building Inspector could issue a “stop order”. Legal Counsel Dempsey answered yes, however if an Electrical Inspector is also a Building Inspector they can issue the “stop order”. Chairman Archer inquired if there is a repeat of problems with a Contractor if a local jurisdiction could stop issuing permits to the Contractor. Legal Counsel Dempsey stated that he would have to do some research on that issue. However, Legal Counsel Dempsey believes that the Department will have to suspend an electrical license first.

Mr. Osborne stated that if he did not have an electrical license and works in an area that does not require an electrical permit, all he has to do is contact a licensed Contractor to say he did the work to get an electrical inspection. Mr. Strange stated that you have that situation already. Mr. Osborne stated that what is going to get unlicensed Contractors attention is a “stop order”. Legal Counsel Dempsey stated that Electrical Inspectors are independent or working on behalf of government has some type of police action. Craig Bitzer inquired if he does a rough-in and requests a “stop order” through the Building Inspector and the sheetrock is place on walls before the “stop order” is issued the Building Inspector will have a fit and ask why the “stop order” could not have been issued by the Electrical Inspector. Mr. Perkins stated that all Electrical Inspectors should have the red tags or stickers notifying the Building Contractor and/or Electrical Contractor of violations. Mr. Perkins stated that he has Electrical Inspectors that request the sheetrock to be removed for a rough in if the wiring had never been inspected before concealed. Legal Counsel Dempsey stated that a Building Inspector can issue a “stop order” and it is the Electrical Inspectors job to ensure the Building Inspector is aware of the situation. Mr. Perkins stated that the law says there shall be 2 inspections (rough-in and final inspection). Mr. Perkins stated that if there is not 2 inspections, the Electrical Inspector could make the Contractor comply with the law. Legal Counsel Dempsey stated that it is his understanding that a county could certify that anyone could inspect. Mr. Bitzer stated that is his impression that all counties

are to be closed. Legal Counsel Dempsey stated he could not say because he was unsure but the Department is working on this situation.

Continuing Education Provider Website

Chairman Archer inquired when the website for continuing education providers was going to be up and running to allow credit hours to be required online. Mr. Perkins stated that they have addressed this with Charlene Slemph of the IT Section. Chairman Archer inquired what the providers do with the sign-in sheets. Commissioner Langford asked that providers keep their sign-in sheets until the website is made available. Commissioner Langford stated that he would meet with Ms. Slemph to see when the website will be made available.

Continuing Education - Department for Technical Education

Chairman Archer stated that *NECA* and *ABC* continuing education is informational only. Mr. Pace inquired if the Department for Technical Education was applying for approval for Contractor, Master Electrician or Electrician continuing education. Debbie Seider stated that Department for Technical Education would like to be approved for all three. Mr. Pace stated that the 1st class in Ohio County should be listed as a Master Electrician or Electricians course due to Contractors classes being business related, which are not code related. The February class should also be listed as a Master Electrician or Electricians course. Ms. Seider stated that she would make the necessary changes. Ms. Malone stated the sexual harassment course should be listed as a Contractor course. Mr. Perkins inquired if the sexual harassment course will be taught from videotape. Ms. Seider stated that she would actually be teaching the course, which would not be a videotape course. Ms. Seider stated that she plans to do some training in all parts of the state. All classes have a workbook, tape and hands-on discussion/training. Commissioner Langford stated that a jobsite ratio has not been established or discussed yet. Ms. Seider stated that she would make delete jobsite ratio for the course outline. Ms. Malone stated that electrical workers update is not approved for Contractors continuing education.

Mr. Pace inquired if Department for Technical Education was apart of *KCTCS*. Ms. Seider answered no, *KCTCS* included technical education is for secondary schools. The Department for Technical Education has 54 locations across Kentucky. Ms. Malone believes that the record keeping of Department for Technical Education needs to be included in their procedures. Ms. Seider stated that she will in charge of record keeping and has sign-in sheets with license numbers. Mr. Pace stated that the Committee suggests having a sign-in and sign-out sheet so that there is some control of attendance. Mr. Strange inquired if Ms. Seider was going to bring amendments to the Committee for re-review. Mr. Pace stated that the Electrical Worker Update Training II – Contractor needs to be deleted all together. Mr. Pace suggested that Ms. Seider makes the necessary changes and resubmits for further review. Legal Counsel Dempsey stated that he would also like Ms. Seider to include who is in charge of the continuing education, procedures for sign-in and sign-out, and revise the courses that have been discussed.

Ms. Malone stated that small appliances are not acceptable for Contractors. Legal Counsel Dempsey stated an overview of Ms. Seider's programs should be submitted. Ms. Malone stated that Ms. Seider may want to look at all the courses to ensure Contractors courses are business related. Mr. Pace asked Ms. Seider to resubmit the requested information to the Department, which will be reviewed at the next meeting. Mr. Perkins inquired if Ms. Seider had a copy of the

candidate-testing packet from Experior, which outlines the topics that are approved for Contractor continuing education. Ms. Seider stated that she did not have a copy of the testing packet. Mr. Perkins stated that he get Ms. Seider a copy of the candidate testing packet before she left the meeting.

Continuing Education – Bowling Green Technical College

Mr. Pace stated that the continuing education submitted by Bowling Green Technical College looks like prep course to take the test, which are not acceptable for continuing education. The prep courses have been taken for years. Mr. Pace stated that someone from Bowling Green Technical College should appear before the Committee to be able to answer any questions that the Committee may have. Mr. Osborne made a motion to table Bowling Green Technical College's application for a continuing education provider until someone from their organizations is available to appear before the Committee. Mr. Shelton seconded the motion. All in favor.

The mechanical meeting is scheduled for Wednesday, January 7, 2004 at 9 a.m. The next Electrical Advisory Committee meeting is scheduled for Tuesday, January 20, 2004 at 9:00 a.m. Mr. Pace made a motion to adjourn the meeting. Mr. Shelton seconded the motion. All in favor. Motion carried.

Meeting was adjourned at 12:10 p.m.